

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

J&J SPORTS PRODUCTIONS, INC.,
Plaintiff,

V.

**ARGELIA HERNANDEZ indv., and d/b/a
HERNANDEZ LOMELI, INC. d/b/a LOS
COMPADRES, and HERNANEZ LOMELI,
INC d/b/a LOS COMPADRES,
Defendants.**

Case No.: 09-06179

Judge Harry D. Leinenweber

MOTION TO ENTER JUDGMENT PURSUANT TO SETTLEMENT

NOW COMES the Plaintiff, J&J SPORTS PRODUCTIONS, INC., by its attorneys, ZANE D. SMITH & ASSOCIATES, LTD., and respectfully requests that this Honorable Court enter Judgment Pursuant to the Terms of the Settlement and in support thereof, states as follows:

1. That on October 5, 2009, the Complaint in this matter was filed with the United States District Court, Northern District of Illinois.
2. That on November 2, 2009, both Defendants were served with both Summons and Complaint pertaining to this matter.
3. That on December 7, 2009, after good faith negotiations, Plaintiff entered into a Settlement Agreement with Defendant.
4. That Defendant ultimately failed to execute the agreed Settlement Agreement and failed to issue payment to Plaintiff pursuant to the Settlement Agreement.
5. That on February 22, 2010, both parties entered into a modified agreement wherein which the terms of the Settlement were specifically stated.
6. That on February 22, 2010, Plaintiff's counsel, once again, submitted both the Settlement Agreement and General Release pertaining to this matter to Defendant via e-mail after contacting Defendant and modifying the Settlement Agreement. See attached Exhibit A.
7. Pursuant to the terms of the modified Settlement Agreement, Defendant was to pay a total sum of \$8,000.00 with an initial payment of \$2,500.00 to be received by counsel for Plaintiff on or before February 24, 2010; \$1,000.00 to be received by counsel for Plaintiff on or

before March 31, 2010; and the final payment of \$4,500.00 to be received by counsel for Plaintiff on or before April 30, 2010. See attached Exhibit B.

8. Despite many requests to Defendant for payment, both through telephone messages and e-mails, no payments have been received by Plaintiff. See attached Exhibit C.

9. Pursuant to the terms of the Settlement Agreement, in the event of default on the part of the Defendant all sums not paid shall come immediately due and owing in full and Defendants agree to pay a penalty of \$3,000.00 in the event of a default as well as attorney's fees and costs incurred in the enforcement of the terms of the Settlement Agreement. See attached Exhibit D.

10. Plaintiff requests judgment be entered against Argelia Hernandez in the amount of \$11,000.00 plus fees and costs in the amount of \$839.00 incurred with the enforcement of the Settlement Agreement.

WHEREFORE, Plaintiff, J&J SPORTS PRODUCTIONS, INC., prays this Honorable Court enter judgment against Argelia Hernandez in the amount of \$11,839.00, and for any additional relief for Plaintiff this Honorable Court deems just.

//s/ Andre Ordeanu

Andre Ordeanu

ZANE D. SMITH & ASSOCIATES, LTD.
415 N. LaSalle Street - Suite 300
Chicago, IL 60654
(312) 245-0031
(312) 245-0022 - Fax

CERTIFICATE OF SERVICE

I, Andre Ordeanu, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on April 8, 2010, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

//s/ Andre Ordeanu

Andre Ordeanu

AFFIDAVIT OF ANDRE ORDEANU
IN SUPPORT OF THE PETITION FOR FEES

I, Andre Ordeanu of the law firm of Zane D. Smith & Associates, Ltd., attorney for the Plaintiff, J&J SPORTS PRODUCTIONS, INC., being duly sworn depose and state that if called to testify before this Honorable Court I would competently testify that the firm of Zane D. Smith & Associates, Ltd., has incurred the following time and expenses in the prosecution of the matter of J&J SPORTS PRODUCTIONS, INC., v. ARGELIA HERNANDEZ, et al., cause number 09 cv 06179:

<u>Date</u>	<u>Description</u>	<u>Provider</u>	<u>Time</u>
03/12/2010	E-mail to Defendant regarding non-payment	AO	.25
03/22/2010	E-mail to Defendant forwarding the second Settlement Agreement and General Release	AO	.25
03/31/2010	Preparation of Motion for Default	AO	.50
04/01/2010	Preparation of Letter to Defendant forwarding Motion and mailing documents via certified mail	NV	.25
04/07/2010	Attendance at Court for motion for default	AO	.50

Total Attorney (ZDS;JAK;AO) Hours = 1.50 hours at \$250.00 per hour: \$ 375.00

Total Paralegal (PAM;NV) Hours = 0.25 hours at \$75.00 per hour: \$ 75.00

Total Attorney's and Paralegal Fees: \$ 450.00

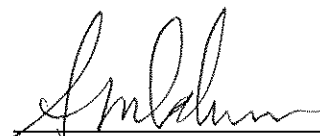
Expenses

Filing Fee	\$350.00
Service of Summons	\$ 39.00

Total Expenses:	\$ 389.00
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TOTAL ATTORNEYS' FEES, PARALEGAL FEES & EXPENSES	<u>\$ 839.00</u>
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Further Affiant Sayeth Not



Andre Ordeanu

Subscribed and sworn to before me
this 8th Day of April, 2010

